



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

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DA 06-1649

Released: August 17, 2006

**OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES THE RAIL NETWORK
INC. REQUEST FOR A WAIVER OF PART 15 TO BE A
"PERMIT-BUT-DISCLOSE" PROCEEDING FOR *EX PARTE* PURPOSES AND
REQUESTS COMMENTS**

ET Docket No. 06-161

Comments Date: September 18, 2006

Reply Comments Date: October 3, 2006

On June 23, 2006, The Rail Network Inc. ("TRN") filed a request for a waiver of Part 15 of the Commission's rules to permit an increase in the emission level permitted under Section 15.209 for unlicensed operation in the 88-108 MHz FM broadcast band. TRN's system would provide information to passengers in mass transit rail cars. The audio would be distributed using up to seven channels in the FM broadcast band.

Section 15.209 permits operation within the 88-108 MHz band at an emission limit of 150 uV/m, as measured at 3 meters. TRN requests that its transmitters be permitted to operate at an emission level of 87 dBuV/m, equivalent to 22.4 mV/m. TRN states that grant of this waiver would facilitate the public's access to critically important information and would enhance public ridership by making travel more attractive and efficient without causing harm to licensed facilities.

The FCC's Office of Engineering and Technology ("OET") is reviewing the waiver request. OET has concluded that in order to develop a complete record on the complex issues presented by this request, this proceeding will be treated, for *ex parte* purposes, as a "permit-but-disclose" proceeding, in accordance with Section 1.1200(a) of the Commission's rules, and is subject to the requirements under Section 1.1206(b) of the rules.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **September 18, 2006**, and reply comments on or before **October 3, 2006**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See [Electronic Filing of Documents in Rulemaking Proceedings](#), 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to

<http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket [**ET Docket No. 06-161**]. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The full text of the waiver request is available for inspection and copying during normal business hours in Room CY-A257, 445 12th Street, SW, Washington, D.C., and may also be purchased from the Commission's duplication contractor, Best Copy and Printing, Inc., (800) 378-3160.

By the Acting Chief, Office of Engineering and Technology
Office of Engineering and Technology contact: John A. Reed at (202) 418-2455.